

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES R. ELLIOT,

Plaintiff,

v.

PENNSYLVANIA
INTERSCHOLASTIC ATHLETIC
ASSOCIATION, INC., (“PIAA”), et al,

Defendants.

No. 3:19-CV-1934

(Judge Brann)

ORDER

AND NOW, this 15th day of September 2020, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants’ Motion to Dismiss, Doc. 19, is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. All claims brought in Count I under 42 U.S.C. § 1983 against the PIAA are dismissed without prejudice. The motion is denied with respect to the remaining Count I claims brought under 42 U.S.C. § 1983 against Defendants Schoen, Majikes, and Modrovsky.
 - b. The motion is denied as to all Count II claims brought under the Pennsylvania Non-Profit Corporation Act, properly referred to as the Nonprofit Corporation Law of 1988.

- c. All Count III claims brought under Pennsylvania law for breach of contract are dismissed without prejudice.
2. Plaintiff may file a second amended complaint on or before September 29, 2020. If no second amended complaint is filed by that date, the Defendants shall file and serve an answer to the first amended complaint by October 6, 2020. If the Plaintiff elects to file a second amended complaint, the Defendants shall file a responsive pleading or another motion under Fed. R. Civ. P. 12 by October 13, 2020.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge